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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

September 14, 2007

Honorable George Miller, Chairman  
Honorable Howard P. "Buck" McKeon, Senior Republican Member  
Honorable Dale E. Kildee, Vice Chairman  
Honorable Michael Castle, Senior Republican Member,  
Subcommittee on Early Childhood, Elementary and Secondary Education  
Committee on Education and Labor  
U.S. House of Representatives  
2181 Rayburn House Office Building  
Washington, D.C. 20515-6100

Dear Mr. Chairman and Members:

Thank you for the opportunity to provide feedback on the staff discussion drafts for Title II through XI of the Elementary and Secondary Education Act, and once again for conducting hearings in Washington, DC, and throughout the country. On behalf of the bi-partisan, elected State Board of Education and the Michigan Department of Education, we continue to be appreciative of your willingness to open up the reauthorization process and for soliciting our input on these drafts.

Initially, on the issue of requiring match in cash or in-kind, the State of Michigan finds this particularly problematic in light of our severe economic crisis. While we recognize the availability of waiver possibilities, in all honesty, we have found it extremely difficult in recent years negotiating with federal agencies to receive such waivers. Our State and Michigan local education agencies (LEAs) have stretched their imaginations and capabilities to meet match requirements across the board for a number of years, whether it is in education or child nutrition programs. We fear that those LEAs and schools that are most in need of receiving the benefit of your many innovative programs in the draft bills will not be able to participate. The state of the Michigan economy is such that we do not expect any up turn in the near future.

In general, we are especially concerned throughout all three bill drafts of increased data collection, monitoring, and reporting requirements for State Education Agencies (SEAs) without any commitment to accompanying increases in funding, or for some sections, any increases in the administrative set asides.

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## **Title II, Teacher Excellence for All Children**

Overall, we think very highly of the construction of Title II in the draft bill. Again, it is our hope that funding will be provided to implement these very thoughtful sections of legislation. The common thread you provide is what we will need if we are going to move into the high effective teaching arena.

- In Chapter A, Troops-To-Teachers Program, on page 53, Section 2503(a)(1)(A), it appears as though the drafters inadvertently changed the effective date after which military personnel can participate in the program. Using the 1999 date provided in this section would severely limit the number of potential participants.

Then, in Section 2504(c)(1), Participation Agreement and Financial Assistance, we sincerely believe that a stipend level of \$10,000 would be a more appropriate level, given that the \$5,000 figure was set in 1994, and the costs of attending institutions of higher education, becoming certified in the required number of subject areas under the Highly Qualified Teacher (HQT) provisions of the No Child Left Behind (NCLB), and acquiring necessary state certification have increased tremendously. Likewise, it would be our hope that the committee would increase the bonus level in Section (d)(1) to \$15,000 from the \$10,000 amount.

- Section 2111 is a very positive step in providing grants to offer cash incentives to experienced and National Board certified teachers to teach in high needs districts and high need content areas. We must be aware; however, that work needs to be dedicated to the area of performance assessment/observation that could potentially be refined to meet this requirement. We are also highly supportive of the mentor teacher provisions.

The work that the Michigan Department of Education is conducting with its Teacher Preparation Study Policy Group and the Michigan Professional Standards Commission for Teachers positions our state very well to be able to apply for grants under the Teacher Policy Center Section.

- Section 2241(d)(6)(B)(7)(A)(i) – Cost Sharing. We strongly suggest that this section be deleted or significantly modified for the reasons stated above. The statute requires that the partnership entity identify and document a dollar-for-dollar cost share over the life of the grant. Although there is provision for waiver/modification of this requirement, the economic reality of working in communities in which the majority of families have incomes below the federal poverty line may impact both the number and quality of the applications. Selection of high-quality proposals includes a review of budgets that must include the required cost-share; but consideration regarding a waiver is made after awards are made.

## **Title III – Language Instruction for Limited English Proficient and Immigrant Students**

The concept of a student data collection system with agreed-upon elements is an excellent one since the information that is collected, such as language spoken, may have a different interpretation, depending on the region or state preference. It should be noted that this would be an additional cost to states, depending on the nature of the decisions on the elements to be collected.

#### **Title IV**

The increased emphasis on school climate in this bill is a positive one. We have noted strong emphasis placed on “bullying, harassment, and gang activity” throughout the bill draft. Michigan has learned through our own community service grant program data that students who feel more connected to their school community perform more highly on the Michigan Education Assessment Program (MEAP), regardless of their Supplemental Educational Services status.

Our reading of these Title IV amendments suggests the intent is to eliminate the Governor’s set aside dollars and target this funding toward a new initiative, Challenge Schools. Challenge Schools would be those determined not to have a safe climate for academic achievement (currently designated as unsafe schools). The legislation would mandate the Chief Executive Officer of a state set aside 20% of a SEA or Safe and Drug Free Schools (SDFS). It is our belief that this would not be a good use of those dollars in our state, because for the 2005 school year, there were only five school buildings that would meet our current unsafe definition, thus directing a potential of millions of dollars to only five schools. Overall, however, we believe the concept of Challenge Schools is good. It provides focused support to our most unsafe school districts but locking the state into an absolute 20% simply isn’t reasonable. The existing governors’ set aside program that is currently part of NCLB for SDFS allows the Governor more flexibility to set aside “up to” 20%. This approach would be preferable.

The amendment incorporates more of a coordinated school health program’s approach by identifying what an LEA’s multi-disciplinary advisory team should look like, and what the responsibilities of that group are. We believe the law is strengthened significantly by references to the Department of Health and Human Services. We have observed, over the last 18 months, an increased collaboration at the federal level between the U.S. Department of Education (USED) Office of Safe and Drug Free Schools and other federal agencies. The reinforcement of this interagency collaboration is excellent.

- In the 21<sup>st</sup> Century Community Learning Center Program revisions, Section 402a inserts “service learning, nutritious food, and nutrition education” into allowable services. This connects very well with Michigan’s system partnerships at the state level, as driven by the research on asset building and obesity prevention. Further, the removal of “recreation programs” from the services increases the focus on local practices away from sports-related activities that have no research to align them with student outcomes. Clearly, adding the desire to provide unique approaches that match a community (4) to the purposes of the centers ensures the flexibility needed in some of the segregated communities that exist in our state, supporting the practices we have implemented in our grant proposal system.

The suggested changes provided in Section 402a for the definition section (4201[b]) further support the changes to this purpose.

Many other suggested additions to the language are very strongly supported by Michigan, so that the accountability measures for quality programming that we have already implemented are reaffirmed in federal law. These include:

- Requiring professional development plans for staff working in local programs.
  - Enacting the requirement that renewal applications must be based on grantee performance.
  - Prioritizing grant awards to those schools that may not be meeting annual performance targets for groups of students.
- In Title IV, Part D, Full-Service Community Schools, we believe it is critical to include state human service agencies as a required partners in state partnerships, and in full service community school grant partnerships, given the central importance of insuring that children's basic needs are met in order for them to succeed academically. This make up reflects the structure at the federal level that requires that the Secretary of Health and Human Services be included on federal advisory boards charged with evaluating the effectiveness of education in human service integration in schools, and ensures that service delivery systems will supplement rather than supplant existing networks of services.
  - The amendment would permit the Secretary of Education to establish a National Resource Center for Positive Youth Development and School Success. Our understanding is that the Center would provide resources, publications, and training to states and LEAs on positive relationships, opportunities, and skills that students need to stay in school and avoid risky behavior. We believe that individual states or consortia of states could do a better job of accomplishing this.

### **Title V**

The up-and-down history of Title V, State Innovative Programs, borders on being a federal legend. Many, many of us, from time to time, gravitate toward preferring the block granting of federal programs. Almost without exception, appropriations have declined and the need for the funding of numerous critical federal functions has been overlooked. Certainly, such is the case with Title V. It began as Title V of the Elementary and Secondary Education Act of 1965 as "Improving State Departments of Education," when the Congress determined there was an over-riding and over-arching interest in supporting critical education functions in the states and improving educational opportunities for all pupils. The needs of states and their services to LEAs are no less important today. In fact, with the advent of the most recent chapter of ESEA, No Child Left Behind, the role of states for educational leadership, technical assistance, program development, and coordination is as important today as it has ever been in history.

Our goal would be for Title V to continue to be available for states and LEAs at a respectable level of funding, containing sufficient flexibility for the multitudes of demands and issues being faced by state and local education systems.

### **Title VI – Flexibility and Accountability**

The assessments required by ESEA/NCLB are many and varied. It is critical that states have the ability to form consortia and work with one another to develop the best possible assessment instruments.

- Developing college-and work-ready standards and assessments opens the doors for the use of assessments (taken over time), in the use of multiple measures—including performance-based measures—to increase the liability and validity of

state assessment systems. This will allow states to customize their assessment requirements, especially at the high school level. It also will lead to more complex measures and systems—especially noting that they will have the “maximum number of accommodations that do not impact the validity and reliability of assessment instruments.” The provisions regarding the assessment of English Language Learners, for example, allow states to develop or improve Native language assessments, modified English assessments and portfolio assessments. From the collaborations we have made with other states, we definitely believe there is a widespread desire for this flexibility. However, it seems highly unlikely that the myriad of related costs could possibly be provided through solely a grant process, which underlines the proposed legislative emphasis on the cost for developing these assessments and systems. With the multiple populations of refugees and immigrants in Michigan, it has been our experience that the ongoing implementation costs are difficult to anticipate and typically more than planned.

Once again, we appreciate this exceptional opportunity to provide input on the front end of the legislative process in the House Committee on Education and Labor. We look forward to working with the Committee leadership, as well as the three other Michigan Members of Congress serving on Education and Labor. Thank you. Please feel free to call upon me or my staff if we may further elaborate on the recommendations we have made.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Flanagan", with a stylized flourish extending from the end.

Michael P. Flanagan  
Superintendent of Public Instruction